

1 TRINETTE G. KENT (State Bar No. 222020)
2 3219 E Camelback Rd, #588
3 Phoenix, AZ 85018
4 Telephone: (480) 247-9644
5 Facsimile: (480) 717-4781
6 E-mail: tkent@lemlaw.com

7 Of Counsel to
8 Lemberg Law, LLC
9 43 Danbury Road
10 Wilton, CT 06897
11 Telephone: (203) 653-2250
12 Facsimile: (203) 653-3424

13 Attorneys for Plaintiff,
14 Jesse Anthony Ramirez

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION

18 Jesse Anthony Ramirez,
19 Plaintiff,
20 vs.
21 Navient Solutions, LLC,
22 Defendant.

Case No.:

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

- 1. THE TELEPHONE CONSUMER PROTECTION ACT;**
- 2. THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

JURY TRIAL DEMANDED

1 Plaintiff, Jesse Anthony Ramirez (hereafter “Plaintiff”), by undersigned
2 counsel, brings the following complaint against Navient Solutions, Inc. (hereafter
3 “Defendant”) and alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the
7 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”), and repeated
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,
9 *et seq.* (“Rosenthal Act”).
10

11 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
13

14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Bell Gardens, California, and is
20 a “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
21

22 5. Plaintiff is a “debtor” as defined by Cal. Civ. Code § 1788.2(h).
23

24 6. Defendant is a business entity located in Reston, Virginia, and is a
25 “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
26 1788.2(g).
27
28

1 7. Defendant, in the ordinary course of business, regularly, on behalf of
2 itself or others, engages in the collection of consumer debts, and is a “debt collector”
3 as defined by Cal. Civ. Code § 1788.2(c).
4

5
6 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

7 8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
8 be owed to Defendant.
9

10 9. Plaintiff’s alleged obligation arises from a transaction in which property,
11 services or money was acquired on credit primarily for personal, family or household
12 purposes and is a “consumer debt” as defined by Cal. Civ. Code § 1788.2(f).
13

14 10. At all times mentioned herein where Defendant communicated with any
15 person via telephone, such communication was done via Defendant’s agent,
16 representative or employee.
17

18 11. At all times mentioned herein, Plaintiff utilized a cellular telephone
19 service and was assigned the following telephone number: 562-XXX-8749 (hereafter
20 “Number”).
21

22 12. Defendant placed calls to Plaintiff’s Number in an attempt to collect a
23 debt.
24

25 13. The aforementioned calls were placed using an automatic telephone
26 dialing system (“ATDS”) and/or by using an artificial or prerecorded voice
27 (“Robocalls”).
28

22. Defendant called Plaintiff's Number using an ATDS without Plaintiff's consent in that Defendant either never had Plaintiff's prior express consent to do so or such consent was effectively revoked when Plaintiff requested that Defendant cease all further calls.

23. Defendant continued to willfully call Plaintiff's Number using an ATDS
knowing that it lacked the requisite consent to do so in violation of the TCPA.

13 24. Plaintiff was harmed and suffered damages as a result of Defendant's
14
15 actions.

25. The TCPA creates a private right of action against persons who violate the Act. *See* 47 U.S.C. § 227(b)(3).

26. As a result of each call made in violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages.

22 27. As a result of each call made knowingly and/or willingly in violation of
23 the TCPA, Plaintiff may be entitled to an award of treble damages.

25 COUNT II

26 VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION

27 PRACTICES ACT, Cal. Civ. Code § 1788, et seq.

28. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

29. The Rosenthal Act was passed to prohibit debt collectors from engaging in unfair and deceptive acts and practices in the collection of consumer debts.

30. Defendant caused Plaintiff's telephone to ring repeatedly or continuously to annoy Plaintiff, in violation of Cal. Civ. Code § 1788.11(d).

31. Defendant communicated with Plaintiff with such frequency as to be unreasonable, constituting harassment, in violation of Cal. Civ. Code § 1788.11(e).

32. Defendant did not comply with the provisions of 15 U.S.C. § 1692, *et seq.*, in violation of Cal. Civ. Code § 1788.17.

33. Plaintiff was harmed and is entitled to damages as a result of Defendant's violations.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for:

A. Statutory damages of \$500.00 for each call determined to be in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3);

B. Treble damages for each violation determined to be willful and/or knowing under the TCPA pursuant to 47 U.S.C. § 227(b)(3);

C. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);

- 1 D. Statutory damages of \$1,000.00 for knowingly and willfully committing
2 violations pursuant to Cal. Civ. Code § 1788.30(b);
3
4 E. Costs of litigation and reasonable attorneys' fees pursuant to Cal. Civ.
5 Code § 1788.30(c);
6
7 F. Punitive damages; and
8
9 G. Such other and further relief as may be just and proper.

10 **TRIAL BY JURY DEMANDED ON ALL COUNTS**
11

12
13 DATED: June 27, 2017

TRINETTE G. KENT

14 By: /s/ Trinette G. Kent
15 Trinette G. Kent, Esq.
16 Lemberg Law, LLC
17 Attorney for Plaintiff, Jesse Anthony
18 Ramirez
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